

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, et a. Plaintiff,

8 cv 03037 (lap)

- against -

MOTION TO ADMIT COUNSEL

Merrill Lynch & Co., Inc., Defendant.
et al.

PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the

Southern and Eastern Districts of New York, I, Jonathan K. Levine a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Daniel C. Girard
Firm Name: Girard Gibbs LLP
Address: 601 California Street, Suite 1400
City/State/Zip: San Francisco, CA 94108
Phone Number: (415) 981-4800
Fax Number: (415) 981-4846

Daniel C. Girard
California

is a member in good standing of the Bar of the States of

There are no pending disciplinary proceeding against Daniel C. Girard
in any State or Federal court.

Dated: 5/30/2008
City, State: San Francisco, CA

Respectfully submitted,

Sponsor's
SDNY/Bar
Firm Name:
Address:
City/State/Zip:
Phone Number:
Fax Number:

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, Individually
And On Behalf of All Others Similarly Situated,

Plaintiff,

v.

Merrill Lynch & Co., Inc. and Merrill Lynch,
Pierce, Fenner & Smith Inc.,

Defendants.

CIVIL ACTION NO. 08-CV-03178

**AFFIDAVIT OF JONATHAN K. LEVINE IN
SUPPORT OF PLAINTIFFS' *PRO HAC VICE*
ADMISSION OF A. J. De BARTOLOMEO**

**AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS'
PRO HAC VICE ADMISSION OF A. J. De BARTOLOMEO**

I, Jonathan K. Levine, being duly sworn, deposes and says that the following facts are true and correct to the best of my personal knowledge:

1. I am an attorney duly admitted to practice law before this Court. My admission to this Court was on March 14, 1989.

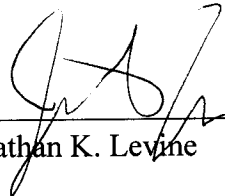
2. I am not under suspension or disbarment by any court.

3. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14th Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.

4. I make this affidavit in support of Plaintiffs' Motion for the admission of A. J. De Bartolomeo *pro hac vice*.

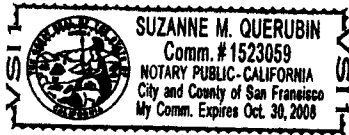
5. I have known A. J. De Bartolomeo for 8 years, and believe she will uphold the integrity of this Court, and will comply with all applicable New York Local Rules of Civil Procedure.

I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 30th day of May, 2008 at San Francisco, California.

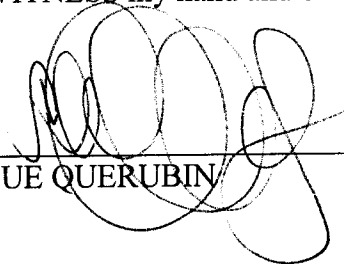


Jonathan K. Levine

On May 30, 2008, before me, Sue Querubin, Notary Public, personally appeared Jonathan K. Levine, proved by satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and office seal.



SUE QUERUBIN

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, Individually And On Behalf of)
All Others Similarly Situated,)

Plaintiff,

V.

Merrill Lynch & Co., Inc. and Merrill Lynch,
Pierce, Fenner & Smith Inc.,

Defendants.

Case No. 1:08-cv-03037-LAP

Richard Stanton (as Trustee for Ashley Stanton),
On Behalf of All Others Similarly Situated,

Plaintiff,

V.

Merrill Lynch & Co., Inc. and Merrill Lynch,
Pierce, Fenner & Smith Inc.,

Defendants.

Case No. 1:08-cv-03054-LAP

**DECLARATION OF DANIEL C. GIRARD IN SUPPORT OF PLAINTIFFS’
PRO HAC VICE MOTION**

I, Daniel C. Girard, pursuant to 28 U.S.C. §1746, hereby declare under the penalty of perjury as follows:

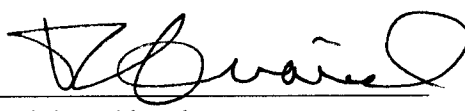
1. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14th Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.

2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificates of Good Standing (**Exhibit A**), I am a member in good standing of the Bar of the State of California.

3. There are no pending disciplinary proceedings against me in any State or Federal Court.

4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned matter.

I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 30th day of May, 2008 at San Francisco, California.



Daniel C. Girard

Exhibit A



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

May 2, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DANIEL CHARLES GIRARD, #114826 was admitted to the practice of law in this state by the Supreme Court of California on December 3, 1984; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert
Custodian of Membership Records

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, Individually And On Behalf of)
All Others Similarly Situated,)

Plaintiff,

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Merrill Lynch & Co., Inc. and Merrill Lynch,
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Case No. 1:08-cv-03037-LAP

Richard Stanton (as Trustee for Ashley Stanton),
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Defendants.

Case No. 1:08-cv-03054-LAP

AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS'

PRO HAC VICE ADMISSION OF DANIEL C. GIRARD

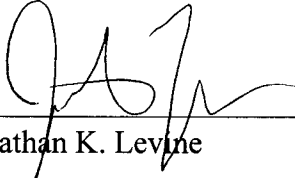
I, Jonathan K. Levine, being duly sworn, deposes and says that the following facts are true and correct to the best of my personal knowledge:

1. I am an attorney duly admitted to practice law before this Court. My admission to this Court was on March 14, 1989.
2. I am not under suspension or disbarment by any court.
3. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14th Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.

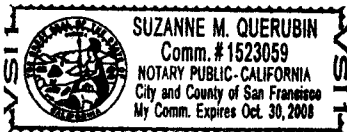
4. I make this affidavit in support of Plaintiffs' Motion for the admission of Daniel C. Girard *pro hac vice*.

5. I have known Daniel C. Girard for 8 years, and believe he will uphold the integrity of this Court, and will comply with all applicable New York Local Rules of Civil Procedure.

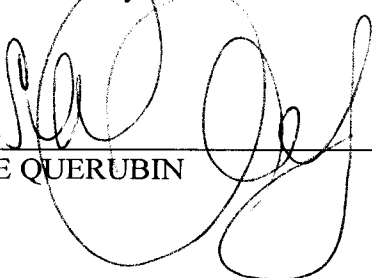
I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 30th day of May, 2008 at San Francisco, California.


Jonathan K. Levine

On May 30, 2008, before me, Sue Querubin, Notary Public, personally appeared Jonathan K. Levine, proved by satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and office seal.


SUE QUERUBIN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, et al. Plaintiff,

8 cv 03037 (lap)

- against -

Merrill Lynch & Co., Inc., et al. Defendant.

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Jonathan K. Levine attorney for Plaintiff, Frederick Burton
and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Daniel C. Girard
Firm Name: Girard Gibbs LLP
Address: 601 California Street, Suite 1400
City/State/Zip: San Francisco, CA 94108
Telephone/Fax: (415) 981-4800
Email Address: dcg@girardgibbs.com

is admitted to practice pro hac vice as counsel for Plaintiff, Frederick Burton in the above
captioned case in the United States District Court for the Southern District of New York. All attorneys
appearing before this Court are subject to the Local Rules of this Court, including the Rules governing
discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall
immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice
fee to the Clerk of Court.

Dated:
City, State: New York, NY

United States District/Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, Individually And On Behalf of)
All Others Similarly Situated,)

Plaintiff,

V.

Merrill Lynch & Co., Inc. and Merrill Lynch,
Pierce, Fenner & Smith Inc.,

Defendants.

Case No. 1:08-cv-03037-LAP

Richard Stanton (as Trustee for Ashley Stanton),
On Behalf of All Others Similarly Situated.

Plaintiff,

V.

Merrill Lynch & Co., Inc. and Merrill Lynch,
Pierce, Fenner & Smith Inc.,

Defendants.

Case No. 1:08-cv-03054-LAP

CERTIFICATE OF SERVICE

I, Angeline C. Ellis, being duly sworn, deposes and says:

I am employed by Girard Gibbs LLP, 601 California Street, Suite 1400, San Francisco, CA 94108. I am over the age of eighteen years and am not a party to this action. On May 31, 2008, I served the attached document(s) via U.S. Mail:

1. **MOTION TO ADMIT COUNSEL PRO HAC VICE
(DANIEL C. GIRARD);**
2. **AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF
PLAINTIFFS' *PRO HAC VICE* ADMISSION OF DANIEL C. GIRARD;**
3. **DECLARATION OF DANIEL C. GIRARD IN SUPPORT OF
PLAINTIFFS' *PRO HAC VICE* ADMISSION;**
4. **ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION;
(DANIEL C. GIRARD);**
5. **MOTION TO ADMIT COUNSEL PRO HAC VICE**

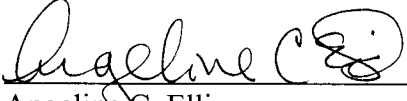
(AARON M. SHEANIN);

6. AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS' *PRO HAC VICE* ADMISSION OF AARON M. SHEANIN;
7. DECLARATION OF AARON M. SHEANIN IN SUPPORT OF PLAINTIFFS' *PRO HAC VICE* ADMISSION;
8. ORDER FOR ADMISSION *PRO HAC VICE* ON WRITTEN MOTION; (AARON M. SHEANIN);
9. MOTION TO ADMIT COUNSEL *PRO HAC VICE* (A. J. De BARTOLOMEO);
10. AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS' *PRO HAC VICE* ADMISSION OF A. J. De BARTOLOMEO;
11. AFFIDAVIT OF A. J. De BARTOLOMEO IN SUPPORT OF PLAINTIFFS' *PRO HAC VICE* ADMISSION;
12. ORDER FOR ADMISSION *PRO HAC VICE* ON WRITTEN MOTION (A. J. De BARTOLOMEO);
13. MOTION TO ADMIT COUNSEL *PRO HAC VICE* (CHRISTINA H. C. SHARP);
14. AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS' *PRO HAC VICE* ADMISSION OF CHRISTINA H. C. SHARP;
15. AFFIDAVIT OF CHRISTINA H. C. SHARP IN SUPPORT OF PLAINTIFFS' *PRO HAC VICE* ADMISSION;
16. ORDER FOR ADMISSION *PRO HAC VICE* ON WRITTEN MOTION (CHRISTINA H. C. SHARP); and
17. CERTIFICATE OF SERVICE.

on:

PLEASE SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of New York that the above is true and correct, executed May 31, 2008, at San Francisco, California.



Angeline C. Ellis

Service List

Burton v. Merrill Lynch & Co., Inc. et al

1:08-cv-03037-LAP S.D. NY

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Stephen A. Weiss
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jkl@girardgibbs.com
ams@girardgibbs.com

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Counsel for Plaintiff Frederick Burton

Defendants

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Scott D. Musoff
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smusoff@skadden.com

Counsel for Defendants Merrill Lynch &
Co., Inc. and Merrill Lynch, Pierce,
Fenner, & Smith Incorporated